

Arms Control Agreement: An Important Step Toward Peace and Long-Term Stabilisation in the Region of Southeastern Europe

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1. Introduction

After the declaration of national sovereignty and independence, in June 1991, the Croatian state found itself in the centre of international political events without an adequate defence capability and an appropriate state apparatus, motivated exclusively by patriotism and the determination of the people to defend themselves, relying on their own resources, outside the existing international economic-political and defence groupings and arrangements.

Immediately afterwards, the Republic of Croatia was exposed to the internal rebellion of the "fifth column", which served as an introduction to undeclared aggressive war, aimed at the overthrow of the democratically elected authorities and at the secession of a large part of the national territory.

It was against this background that Croatia was forced, during the succeeding four years, to wage a defensive war with a two-fold objective: on the one hand, to defend the results of the free, democratic elections in the spring of 1990, while, on the other, the defence effort was directed at re-establishing territorial integrity. In fighting for these basic national interests, the Croatian state and its people were, at the same time, defending the fundamental values of the free world and of the international community. At a diplomatic level, combining the struggle for national interests with the interests of the democratic world, the Republic of Croatia was able successfully to defend both, in spite of numerous unfavourable domestic and external circumstances, and to assert itself as a respected subject of international relations and member of the world community.

In December 1995, after three weeks of negotiation in Dayton, USA, a peace agreement was signed in Paris, in the presence of the highest representatives of the international community and of the great powers. Formally viewed, the Agreement relates to Bosnia and Herzegovina, but it also marked the *de facto* end of undeclared aggression against the Republic of Croatia. This agreement affirms, among other things, the crucial role of the Republic of Croatia in the implementation of the peace process and as a factor of overall, long-term stabilisation of conditions in South-eastern Europe.

The military part of the Dayton Peace Agreement is comprised in Annexes 1A and 1B. The latter document contains provisions on three obligatory rounds of military negotiations between the Parties to the Dayton Agreement. Article II of Annex 1B provides for the signing of an Agreement on Confidence-Building Measures and Security on the territory of Bosnia and Herzegovina; Article IV calls for negotiations on subregional stabilisation, that is, on the control and reduction of armaments, while Article V provides for talks aimed at an agreement on broader

regional arms control. Article III should also be mentioned in this context; it specifies that, after the successful conclusion of negotiations on the control and reduction of armaments, the arms embargo on the import of weapons, imposed by UN in 1991 on all the parties involved in the conflict on the territory of the former Yugoslavia should be lifted.

So far, and in accordance with the adopted timetable, talks have been successfully conducted and appropriate agreements signed on Articles II and IV of Annex 1B.

Under Article IV, the Republic of Croatia, the Federal Republic of Yugoslavia, Bosnia and Herzegovina, and the Federation of Bosnia and Herzegovina and the Republika Srpska, are required, under the sponsorship of the Organisation for Security and Co-operation in Europe, to conclude a separate Agreement on the control and reduction of five categories of armaments within 180 days after the signing of the Dayton Agreement and to voluntarily limit the number of personnel in their armed forces.

In this, the international community, with the US as the chief initiator and sponsor of the Dayton Accords, were guided by two main motives:

- firstly, the agreement on the control and reduction of weapons was conceived as the military component added to the political and civilian aspects, in order to prevent as effectively as possible the renewed outbreak of war, and to ensure comprehensive and long-term military-political stabilisation on the territory of the former Yugoslavia;

- secondly, the US and the other member-countries of the Contact Group wanted to use Annex 1B to extend over the region of Southeast Europe the same criteria of military security and the same confidence-building measures accepted by the countries signatories of the Treaty on Conventional Forces in Europe as early as 1990. It should be remembered here that this Treaty was not signed only by the non-aligned and neutral countries in Europe, which means, in this part of the Continent, by the former Yugoslavia, Austria and Albania.

Although the "philosophy", and even the concrete solutions for the control and reduction of armaments, set forth in Annex 1B are derived from the mentioned CFE Treaty, it is still also true that this section of the Dayton Agreement represented a precedent in military-diplomatic history. It has, namely, never been happened before that warring parties or, more precisely, aggressors and their victims, should start talks about the control and reduction of arms directly after concluding a peace agreement. If we take into account, in addition to this, the still unsettled mutual relations (the problems of peaceful reintegration of the Croatian part of the Danube valley, the recognition of the Republic of Croatia by the Federal Republic of Yugoslavia, the problem of refugees, of succession, punishment of war crimes, reparation for war damage, the

Law on Defence of Bosnia and Herzegovina, etc.), the great mistrust among the parties to the negotiations, as well as the differences of view and of interests among the great powers, members of the Contact Group, it will not be difficult to conclude that this was an exceptionally difficult and complex military-diplomatic undertaking.

2. Major conceptual weaknesses

Regardless of these circumstances, the basic position of the Croatian leadership and Government have not changed in the post-war period: the view is still upheld that interests of the Croatian people and state cannot be promoted irrespective of, or against, the interests of the international community, and that, instead, such platforms and diplomatic stances should be sought at all times that will enable the adjustment of national interests with those of the international community. This was also the position taken by the Croatian leadership and diplomats with regard to the implementation of all sections of the Dayton Agreement.

Diplomatic activity on the military aspect of the Agreement, contained in Annexes 1A and 1B, started with the preparatory meeting at Petersburg near Bonn in December 1995, at which the modalities of the negotiations were set. The chief negotiator, in the capacity of Special Representative to the OSCE Chairman, was found in the person of the Norwegian General Vigleik Eide, who convened the first meeting for January 4, 1996, at the OSCE headquarters in Vienna.

Certain conceptual weaknesses and shortcomings of the provisions of Annex 1B became apparent from the outset. The most serious among them was found in the Preamble, which speaks of the equitable participation of three recognized, sovereign states, but also of two entities comprising Bosnia and Herzegovina, who had no right to act as subjects of international law. In negotiations which are international by character such a state of affairs was awkward indeed.

Another weakness was involved in the provision which stated that - if the parties did not agree otherwise by a certain time - only one criterion would be applied to the ratio of military forces: the relative ratio of the populations of FR Yugoslavia, Croatia and Bosnia and Herzegovina, which was 5:2:2. In addition, article IV of Annex 1B specified that, out of the reported numbers for each of the five categories of weapons, FR Yugoslavia could keep 75 percent, and Croatia and Bosnia and Herzegovina 30 percent each. Within Bosnia and Herzegovina, the military holdings subject to limitation of all five types are to be divided between the Federation of Bosnia and Herzegovina and the Republika Srpska according to the 2:1 ratio. By pre-determining thus the end result of the negotiations, the architects of the Framework Agreement made sure that, irrespective of the views and interests of the negotiating parties, the talks would take a "happy" ending. But, at the same time, this gave the chance to any party which would benefit under the 5:2:2 arrangement to delay the talks until the end of the 180 period, when the provision specifying this ratio was to come automatically into force. The analyses by the Croatian delegation revealed that Article IV of Annex 1B did not set out in detail who would verify the data on the five weapon categories reported by FRY, to be used as the baseline for the 5:2:2 ratio, and

how this would be done. Furthermore, on the eve of the talks it was still unclear who would supervise the reduction process and what methods would be employed, although the successful implementation of the Agreement could hardly be expected without firm guarantees and a well-defined procedure. The provisions dealing with artillery weapons created additional difficulties by requiring the negotiating parties to go beyond the CFE Treaty (which only covers equipment over 100 millimeters) and to reduce all artillery weapons above 75 mm. After careful analysis, the Croatian delegation concluded that the laconic formulation from that provision, which defines artillery as "all weapons above 75 mm", was absolute nonsense from a technical point of view. According to this formulation, namely, the term artillery would include also 82 mm mortars, which are not artillery pieces and are not to be found in artillery but in infantry units. The same could be said of rifle grenade launchers, ground-to-ground rockets (e.g. "Luna"), recoilless guns and hand-operated rocket launchers. The last two are, in fact, anti-tank weapons with direct, not indirect, fire power. Lastly, because of the great variety of weapons in the existing arsenals of the parties to the conflict, it was difficult to find appropriate definitions of types of armament, especially with regard to combat aircraft and attack helicopters.

If the "philosophy" of the Vienna talks was inspired by the said CFE Treaty, the conduct of the talks greatly resembled those in Dayton. The negotiating parties were, namely, handed the drafts of the basic agreement and of the accessory protocols by the Chairman or, more precisely, by the team of experts from the Contact Group. These were then discussed in detail, paragraph by paragraph.

The first stage of the talks was marked by extremely restrictive negotiating tactics of the FRY delegation, which opposed most provisions in the draft agreement by simply having them "placed into brackets".

At the same time, all negotiating parties were required to prepare, within a month's time, reports on their holdings for five types of equipment: tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters. It hardly needs to be stressed that the first reports were subjected to the criticism and suspicion of the other parties. The Croatian delegation insisted on the verification of all the reports submitted, so as to ensure that the talks were conducted on the basis of real, not distorted, data.

In doing this, the Croatian delegation had two motives: on the one hand, for the sake of meaningful and efficient negotiations, it insisted on genuine information about the holdings of all parties, aware that its own report on holdings was accurate and complete but that the reports of some parties were, to put it mildly, incomplete. At a higher level of analysis, the Croatian delegation came to the conclusion that so-called transparency, i.e., openness, of all military structures in Southeast Europe to international control would constitute the most important by-product of negotiations on subregional stabilisation. This view, it should not be denied, was based on the awareness that the FRY Army, which grew out of the former JNA, was the most conservative and the most tightly closed army structure in Europe, and thus a permanent source of instability, in the region and beyond it. Proceeding from this, we concluded that the "unlocking" of the structures of the Yugoslav Army by means of "on-the-spot verification" (our proposal was that it should be conducted

with the participation of international military experts, i.e., NATO and WEU personnel) would represent the first step in its future democratic transformation, and thereby also in transcending its autarchic and conservative character, and, consequently, its "built-in" propensity for aggression.

3. The position of Croatia

However, in view of the rigid position of the FRY and RS delegations, the Chairman of the talks, together with the experts from the Contact Group, considered that negotiating on the modalities of verification, to be followed by on-the-spot implementation, would take too much time and would put to risk the deadline for the negotiations, which the Dayton Agreement had set for June 6. Even though fully endorsing the Croatian arguments in informal consultations, they seemed primarily interested in "getting the job done", and pressured the Croatian delegation to withdraw its demand for verification of the reported holdings. Not wishing to be accused of obstructing the talks, the Croatian delegation then gave up its absolutely justified proposal. However, it insisted on a candid and argued discussion with the aim of agreeing on new, so-called "corrected", reports on holdings. This suggestion was accepted.

In this "cleaning-up" work, it soon became apparent that, in addition to deliberate concealment of the real numbers, data about some categories of arms were misrepresented also because of the great diversity of existing types. After the clarification of the ambiguous points and the recategorisation of some types of weapons (in which, e.g., the Croatian delegation corrected its report on attack helicopters), modified reports were then submitted. The Croatian delegation again disputed the accuracy of the data reported by the FRY delegation, but agreed to continue the talks on the basis of the reported figures, on the condition that new, appropriately verified, reports would be sent as part of the implementation of the Agreement.

Further negotiating efforts of the Croatian delegation were directed at the most sensitive issue, i.e., the adoption of such ratios in different categories of armaments that would not be derived exclusively by mechanically correlating the submitted, incomplete, reports on holdings and the relative population figures but would take into account as much as possible the objective defence needs of the Republic of Croatia and of its defence strategy. As already explained, this aim was difficult to reach since, according to the pre-set rules of the talks, the party - or parties - who stood to benefit by the 5:2:2 ratio could simply drag out the talks, waiting for the 180-day period to expire and for the ratio to come into effect automatically. With this handicap in mind, the Croatian delegation invested maximum negotiating effort into obtaining approval for such numbers in all categories of weapons as would meet the legitimate defence needs of the Republic of Croatia and also formally satisfy the 5:2:2 ratio. For this purpose, already in the first stage of negotiations, the Croatian delegation presented its data (augmented by the customary "negotiating margin") and clearly stated that these reflected the country's defence needs. In the beginning, these figures caused some consternation, especially among the military experts of the Contact Group, but, since they were presented early on, with the porgies of the talks, the other negotiating parties became used to them and started to

come out with numbers of their own, so that, in the end, the final figures were more favourable to Croatia than the original Dayton formula.

The last stage of the negotiations was devoted to the adjustment of positions on the modalities of inspection and verification, that is, to the methods and dates for the reduction, i.e., removal, of the "surplus" weaponry.

The hardest nut to crack in this part of the talks were the definitions of the subjects, objects and sites of inspection. The delegations of FRY and RS vigorously opposed any participation of international factors in the implementation of the Agreement or, more precisely, in the inspection of their armed forces. Arguing that their country was not an OSCE member, the delegation of FR Yugoslavia disputed any role of that Organisation as sponsor and co-ordinator of inspection and reduction, and was particularly adamant against the presence of international military experts, officers of NATO and WEU, in the inspection teams which the parties to the Agreement were to send to each other's inspections sites in order to verify on the spot the implementation of the Agreement. In the end, it was still agreed that each party had the right to include in its inspection team, if it so wishes, "up to three assistants", i.e., foreign military experts. This solution was found satisfactory by the Croatian delegation since, in principle, it allows for the conduct of such international inspection and verification of the FRY armed forces, which is undoubtedly a historic precedent for this, as we called it, most tightly shut military structure in Europe.

With regard to the objects and sites of inspection, the Croatian delegation was successful in its efforts to reject the restrictive provisions under which only declared weapons and military units, or barracks and storage sites, could be verified. Instead, formulations were adopted allowing the inspection of any space (so-called "undeclared site") which might contain equipment subject to control and limitation.

The modalities of the reduction of "surplus" weapons proved, somewhat unexpectedly, as the hardest negotiating issue, specially in respect to the delegations of Bosnia and Herzegovina and the Federation, on one side, and Republika Srpska and FR Yugoslavia, on the other. For example, during the last days of the Vienna talks, in early June, the delegation of Bosnia and Herzegovina was even prepared to agree to less favourable solutions on the status of the negotiating parties as subjects of international law, which was from the outset regarded as the toughest problem implied in Article IV of Annex IB, in return for more convenient deadlines and forms of reduction.

4. Pressure and deadlock

In the midst of the hectic atmosphere and time pressure of the last two days (and nights) of the negotiations, the Croatian delegation once more played a constructive part and demonstrated its negotiating skills. It proposed, namely, a "package-solution" for the three thorniest issues, which comprised precise numbers and ratios for individual weapon categories, specified a 16-month period for the reduction of the "surplus" arms, and offered a definition of the status of the parties that made it clear that they represented three states and two entities, all of whom were named as "parties" and had equal rights and obligations, but who possessed different levels of statehood, especially as subjects of international law. Out

of this "Croatian package", agreement was reached in Vienna with respect to numbers and periods of reduction, but differences of view remained as regards the status of the parties.

In spite of the fact that the text of the Agreement had not been fully approved, the high delegations of all parties to the negotiations departed for Oslo, where the signing ceremony of the Agreement had been scheduled for June 11. However, even in Oslo, after two days and nights of negotiations at ministerial level, the positions of the Bosnian side and of the RS delegation could still not be reconciled. In the face of this deadlock, in the night between June 11 and 12, the Croatian delegation proposed to "stop the clock", which is a well-known diplomatic expedient formally to observe the deadline for an agreement. With the clock thus "stopped", it was decided to transfer the signing of the Agreement to Florence. Namely, by coincidence, the Review Conference of the Contact Group and of the signatories of the Dayton Agreement was to be convened in Florence on June 14, to consider the results of its implementation and the role played in this by each party.

Additional pressure was then brought to bear in Florence on the parties who resisted signing the document, and it was finally signed on June 14, with only minor "cosmetic" changes to the formulations suggested by the Croatian delegation in Vienna.

Briefly, the Agreement on Subregional Arms Control limits the holdings of the FRY Army to 1025 tanks, 850 armoured personnel carriers, 3750 artillery pieces, 155 combat aircraft and 53 attack helicopters. The Republic of Croatia and Bosnia and Herzegovina are each entitled to 450 tanks, 340 armoured vehicles, 1500 artillery pieces, 62 combat aircraft and 21 attack helicopters.

The figures for the FRY Army signify, in fact, a considerable reduction of its holdings for all the five categories of weapons, while the Republic of Croatia will only have to reduce the number of artillery pieces - from 2173 to 1500. At the same time, the Croatian Army will be able to increase the number of its tanks from 284 to 450, and its armoured personnel carriers from 128 to as many as 340 vehicles. Besides, in addition to its 27 combat aircraft, Croatia can obtain 35 more, while increasing the number of its attack helicopters from the present four to 21 units. Of course, it ought to be mentioned also that, in the course of the Vienna talks, all the participating parties acted with an eye to their interests and plans for the modernization of their military potentials. Thus, it is to be expected that, in meeting their reduction obligations, i.e., in destroying or converting their armaments, each side will in effect try to disencumber itself from obsolete weapons. In the light of this, it would appear that even the FRY Army, which had to undertake to reduce the largest part of its holdings, will actually suffer no great damage.

Moreover, considering the fact that the conclusion of an arms control agreement was a basic prerequisite for the lifting of the arms embargo imposed on all the parties, the Agreement can be regarded as a first step in the modernization of the military assets of all signatory parties. In this sense, too, the Agreement again favours Croatia the most.

The limits for all the five weapon categories that Croatia was able to negotiate are high enough to enable practically full modernization of the Croatian Army, leaving

as the only limiting factor the availability of funds from the defence budget for the purchase of state-of-the-art combat aircraft, attack helicopters or combat vehicles and tanks.

The voluntary commitments of all signatory parties to limit their military manpower was another important element of the modernization of their potentials but, at the same time, a major contribution to the easing of tension and the building of confidence and security. The delegation of Bosnia and Herzegovina declared thus that, as of July 1, 1996, the number of its military personnel would be 60,000, the Republic of Croatia announced the reduction of its manpower to 65,000, FRY to 124,339, while the Federation of Bosnia and Herzegovina and the Republika Srpska undertook to limit their manpower to 55,000 and 56,000 persons respectively.

5. Conclusion

The signing of the Agreement on Sub-Regional Arms Control, however, should be regarded within a broader context than as merely setting ratios of arms and personnel to prevail in the different armies existing in this region.

In addition to limiting the five main categories of offensive weapons, the Agreement introduces other important stabilisation effects into an area characterized by substantial military and political insecurity. First of all, it can be expected that the exchange of military information and inspection visits will contribute to the building of confidence and security in military matters, a confidence which is as yet non-existent. Secondly, as a side-effect of the implementation of the Agreement, the army structures of all signatories will inevitably become more open and transparent, not only in relation to their neighbours but also to the international community at large. It can be reasonably expected that such a development of military and political relations in the region will reduce tensions, lead to an overall relaxation and normalization of mutual relations, and help towards long-term stabilisation of the situation in Southeast Europe.

This favourable trend will be supported by a further step foreseen by Annex 1B of the Dayton Agreement, whose Article V provides for negotiations about a broader regional balance of forces, after the conclusion of the Sub-Regional Agreement, and it is expected that at least Slovenia, Macedonia and Albania, and perhaps also Austria, will join the parties to the Agreement of June 14. These are, namely, the only countries in the region which have not undertaken any commitments regarding arms reduction and control. By joining the negotiations on regional security based on Article V of Annex 1B of the Dayton Agreement, they would be finally integrated into the complex system of multilateral control and limitation of armaments, which originated in the Treaty on Conventional Forces in Europe.

Interest in regional security talks has been shown by other countries from the broader region who joined the 1990 CFE Treaty: Italy, Hungary, Bulgaria, Romania, Greece and Turkey. Lastly, the big powers, i.e., members of the Contact Group, have begun preparations for negotiations under Article V. There is little doubt that these negotiations, and the resulting agreement, would constitute an important step towards overall stabilisation of security, and would thus be a key element in the new European security "architecture".